



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

May 20, 2010

Mr. Bill Giorgi

REDACTED

Advisory Letter RE: FPPC No. 07/581; Willy Chamberlin, Bill Giorgi

Dear Mr. Giorgi:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to an investigation begun against you by the FPPC based on a complaint that alleged you were in violation of the Act's conflict of interest provisions as a result of your participation on the County of Santa Barbara's Agricultural Preserve Advisory Committee (APAC) vote to recommend approval of "Uniform Rules," while simultaneously holding "Williamson Act" contracts on properties you owned within the County's jurisdiction. The complaint also alleged violations of the Brown Act and other laws which are not covered under the Act, and are not addressed in this letter.

The FPPC has completed its investigation of this complaint and found that you did not violate the Act.

The Act prohibits public officials, which includes county supervisors, from making, participating in making or influencing governmental decisions in which the official has a material financial interest. Specifically, Section 87100 of the Act states: "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

To determine whether a public official has a disqualifying conflict of interests, the FPPC generally employs the following sequenced analysis: 1) was the individual a public official; 2) did the official make, participate in making, or use or attempt to use his official position to influence a governmental decision; 3) what are the public official's economic interests; 4) was the economic interest affected by the decision, either directly or indirectly; 5) was the economic interest materially affected by the decision; 6) was it reasonably foreseeable that the economic interest would be materially affected by the decision; 7) was the reasonably foreseeable financial effect distinguishable from the effect on the public generally (See FPPC Regulation 18700.)

A "public official" is defined as "every member, officer, employee or consultant of a state or local government agency." (Government Code Section 82048) The term "member" shall include salaried or unsalaried members of committees, boards or commissions with decisionmaking authority. (FPPC Regulation 18701)

In this matter, the Santa Barbara County Board of Supervisors on November 15, 2005 directed the Agricultural Advisory Committee (AAC), of which you were a member, to nominate two additional members to serve on the APAC. These nominations were to be appointed by the Board of Supervisors to the APAC after the nominations were made. However, the AAC did not provide nominations to the Board of Supervisors, but instead sent two of its members directly to the APAC, you and Mr. Willy Chamberlin. As a result, neither of you were ever officially appointed to serve on the APAC for the approximately two years you participated in its meetings and actions.

With specific regard to the vote taken by the APAC to recommend adoption of the Uniform Rules by the County Board of Supervisors, the Santa Barbara County Counsel's office notified the Board of Supervisors before their vote on the issue that you and Mr. Chamberlin had never officially been appointed. The Counsel's office also notified the Board that a quorum of the APAC had been present and had voted to approve the Uniform Rules, even if you and Mr. Chamberlin were discounted as members. The Board then voted to approve the Uniform Rules with this knowledge.

Because you were not officially appointed to the APAC by the Board of Supervisors and the Board discounted your status as members of the APAC before approving the Uniform Rules, we have determined that you were not a member of the APAC for purposes of determining a conflict of interest under the Act. Since you were not a member of the APAC for this specific action, you were not a "public official" under the Act and could not, therefore, have had a conflict of interest under the sequenced analysis described above.

May 20, 2010
Letter to Mr. Giorgi
Page 3

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act and provides guidance regarding your obligations over the telephone and through written advice. If you need assistance, please call the Commission's Technical Assistance Division at 1-866-275-3772 or visit our website at www.ippe.ca.gov.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

GARY S. WINUK
Chief, Enforcement Division

cc: Frank Blundo